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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,815	08/17/2001	Lee S. Pearson	10541-607	5818
29074	7590	02/03/2005	EXAMINER	
VISTEON C/O BRINKS HOFER GILSON & LIONE PO BOX 10395 CHICAGO, IL 60610			CHANG, VICTOR S	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/932,815	Applicant(s) PEARSON ET AL.	
	Examiner Victor S Chang	Art Unit 1771	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached NOTE.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 7-18.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

NOTE

1. Applicants' amendment to amend the specification "More specifically, the edge region 14 is a flange extending away from the major surface 12 in a direction substantially parallel thereto" (Amendment, page 2) has been entered, so as to place the Application in better form for appeal by materially reducing or simplifying the issues for appeal. It is noted that the amendment to specification clarifies the term "flange", and overcomes a possible new matter rejection (see Office action dated 11/17/2004, page 3, second paragraph). However, the Examiner repeats that EP '615 also clearly shows in Fig. 6 a frame (flange) extending away and being parallel to the vertical edge (rim) of the molding. As such, the teachings of EP '615 reads on the instant invention as claimed, and the independent claim 7 still fails to preclude the disclosure of EP '615.
2. With respect to Applicants' argument "as shown in Figure A ... which is a first marked-up version of Figure 6 from the '615 reference, the rim portion B extends in a first direction Y and the from A extends in a second direction X that is not parallel to the first direction. Therefore, claim 7 is not anticipated by the '615 reference" (Remarks, page 6, bottom paragraph), the Examiner respectfully notes that Applicants' argument appears to be irrelevant to the limitation recited in independent claim 7: "a flange extending away and parallel to the rim", because there is no requirement for the frame (flange) and the vertical edge (rim) to be pointing to the same direction in the cross-section view of these elements, and one of ordinary skill in the art would immediately

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recognize these elements are in parallel in a side view. As such, Applicant's argument still fails to preclude the disclosure of EP '615.

3. With respect to Applicants' argument "the claims require that the rim compresses the soft feel section. As defined by the examiner, the "rim B" does not compress the soft section" (Remarks, page 7, second paragraph), the Examiner notes EP '615 expressly teaches the process of injection molding in steps (c) and (d) as follows: "(c) compressing the cushion blank in the mould with a movable intermediate plate; (d) injecting a first thermoplastic material around the edge of the compressed blank to form an enclosing frame (8) to the edges" (Derwent Abstract). As such, clearly during injection molding of the frame (8), the molten plastic is stopped at its inner surface (i.e., inherently compressed) against the edge of compressed blank (3), Applicants' argument to the contrary notwithstanding. Further, the Examiner notes that Applicants fail to provide any evidentiary support that components of an injection molded composite article as taught by EP '615 would not be compressed against at each other at the interface, and it should be noted that it is well settled that Attorney arguments cannot take the place of evidence.

4. With respect to Applicants' argument "the '615 reference does not disclose the composite material 3 being flush with the rim 8 at the point of contact between the respective components 3, 8 or for a distance along the plane defined by the components" (Remarks, pages 7-8, bridging paragraph), the Examiner repeats (see Office action dated 11/17/2004) that while EP '615 is silent about the soft cover being substantially flush with the molded edge, since EP '615 teaches the same subject

matter (an injection molded plastic part with a foamed cushioned soft cover) as the instant invention, it is the Examiner's position that forming a soft cover which is substantially flush with the molded edge is either anticipated by EP '615, or an obvious selection and/or optimization to one of ordinary skill in the art of injection molded part, motivated by the desire to obtain an aesthetically pleasing appearance. It should be noted that where the claimed and prior art products are shown to be identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a *prima facie* case of either anticipation or obviousness has been established. See MPEP § 2112.01.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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VSC
Victor S Chang
Examiner
Art Unit 1771

1/25/2005


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
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